

**In the Circuit Court for Lawrence County, Alabama
Thirty-Sixth Judicial Circuit
State of Alabama**

**ADMINISTRATIVE ORDER NO. 6 REGARDING
ADMINISTRATIVE ORDERS
ENTERED BY THE SUPREME COURT OF ALABAMA
And
ORDERS ISSUED BY THE LAWRENCE COUNTY COMMISSION**

WHEREAS, on March 13, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, entered the ADMINISTRATIVE ORDER SUSPENDING ALL IN-PERSON COURT PROCEEDINGS FOR THE NEXT THIRTY DAYS, IN RE: COVID-19 PANDEMIC EMERGENCY RESPONSE, (“the Order”);

WHEREAS, since the entry of the Order, the Supreme Court of Alabama has issued ten (10) further administrative orders concerning the operation of the courts of this state (collectively, “the Intervening Orders”) during the state of emergency declared by the Governor of this State and by the Supreme Court, most recently on March 11, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, entering “ADMINISTRATIVE ORDER NO. 7: RESUMPTION OF IN-PERSON HEARINGS AUTHORIZED AFTER MAY 15, 2020, CONTINUED SUSPENSION OF JURY TRIALS UNTIL SEPTEMBER 14, 2020,” (“Order No. 7”);

WHEREAS, following entry of the Order and the Intervening Orders, this Court entered a series of administrative orders, including, most recently, entering on April 30, 2020, “ADMINISTRATIVE ORDER NO. 5 REGARDING MARCH 13, 2020, MARCH 15, 2020, APRIL 2, 2020, and APRIL 30, 2020 ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA”; and

WHEREAS, following entry of the administrative orders of this Court, the Lawrence County Commission “declared a state of emergency for the county to deal with the coronavirus (COVID-19) crisis” and entered two orders, the first closing the Lawrence County Judicial and Administrative Center (“LCJAC”), the second re-opening the LCJAC but with a certain limit of non-employees being present in the LCJAC at any one time, and the third (and now controlling order) as memorialized in a May 8, 2020, letter from the County Commission Chairman,

changing and setting the limit of non-employees for the second floor of the LCJAC to no more than ten (10) non-employee persons being present at any one time (“the County Commission Order”);

WHEREAS, in view of the all above-described Administrative Orders entered by the Supreme Court of Alabama, and especially Order No. 7, and of all above-described administrative orders entered by this court, and of the County Commission Order, it is necessary for this court to enter certain further orders;

NOW, BE IT ORDERED that, until further order of this Court, as follows:

1. All deadlines in the prior administrative orders that are set to expire on April 30, 2020, are hereby extended through June 1, 2020.
2. As per the prior orders of this Court, weighing the dangers posed to the health and welfare of court employees and given the already in place provisions for court hearings through May 29, 2020, and the limitations of the County Commission Order, in-person court proceedings remain disallowed by the prior orders of this Court and of the Supreme Court of Alabama, subject to the very limited exceptions set forth in the early Administrative Orders entered by the Supreme Court. However, this order permits court officials to take such intermediary steps as are necessary to facilitate the ultimate return to full court operations. Further, this order does not prohibit any municipal court proceedings scheduled after the entry of Order No. 7, so long as they comply with the COVID-19 safety protocols for in-person hearings set forth below.
3. All in-person court proceedings, other than jury trials, will restart in this judicial circuit beginning June 2, 2020, subject to the following rules and procedures:

3. DEFINITIONS

- 3.1.** “*Courtroom*” as used in this order refers to an the enclosed space in which courts of law are held in this circuit in front of a circuit, district, juvenile, probate or a municipal court judge, and specifically includes the Circuit Courtroom, Second Floor, LCJAC; the District Courtroom, Second Floor, LCJAC; the Probate Courtroom, First Floor, LCJAC; and the municipal courtrooms for each of the municipalities of Moulton, Courtland, Town Creek, North Courtland and Hillsboro.
- 3.2.** “*Court proceeding*” refers to any trial, hearing, or similar proceeding where parties seeking a legal ruling or order appear before a judge or referee and are afforded a due process opportunity to be heard; **this term does not refer to or include jury trials**, though it may include hearings

conducted by a judge or referee in a case triable to a jury before or after a jury trial.

- 3.3.** “*Court facility*” refers to the building where courtrooms, private judicial areas, court clerk’s areas, and Public Judicial Areas are located. For the purposes of the circuit, district, juvenile and probate courts of this circuit, this building is the LCJAC.
- 3.4.** “*Court Clerk’s Area*” as used in this order refers to the following areas controlled or managed by the Circuit Court Clerk of this circuit, all maintained in the confines of the LCJAC including magistrate interview rooms, court clerk’s counters or windows designated for the filing of court documents and receipt of court ordered monies, the waiting area adjacent to the clerk’s window or counter, and other rooms used for passport procurement, absentee voting, and other similar court clerk functions.
- 3.5.** “*Court Officials*” refers, as to a particular court proceeding, to all officers, officials and employees employed by the State of Alabama (including without limitation, the Unified Judicial System, the Alabama Board of Pardons and Paroles, the Alabama Department of Mental Health, Alabama Department of Corrections, and the Alabama Department of Human Resources), the Lawrence County Commission, or any of the municipal courts, who attend or participate in the court proceeding conducted in Lawrence County, Alabama, as part of their official duties and includes judges, referees, clerks, attendants, bailiffs, court or LCJAC security personnel, judicial assistants, court reporters, probation officers, and community corrections officers. This term does not include individuals attending the particular court proceeding only as witnesses, parties, attorneys or observers.
- 3.6.** “*Court participants*” refers, as to a particular court proceeding, to all persons required to attend and participate in the court proceeding as an attorney, party or witness, and specifically excludes Court Officials. Victims of criminal conduct who have a right to be present per Ala.Code §§ 15-14-50 *et. seq.* are included in this designation.
- 3.7.** “*Court attendees*” refers, as to a particular court proceeding, to all persons attending the court proceeding and specifically excludes Court Officials and court participants. These may include interested family members or other relatives of court participants, members of the media, and members of the general public.
- 3.8.** “*COVID-19*” refers to the respiratory disease caused by the virus called SARS-CoV-2.

3.9. “*Disqualifying condition or circumstance*” refers to the following circumstances that disqualify a person from entry into a court facility pursuant to an in-person court proceeding:

- 3.9.1. Within the 14 days prior to the court proceeding (or date of attempting to enter the court facility), the person
 - 3.9.1.1. Had a confirmed positive test for COVID-19, but had no symptoms of the disease arise;
 - 3.9.1.2. At any time had close contact (that is, for at least 15 minutes was within 6 feet or closer) with a person who tested positive for COVID-19, but had no symptoms arise, within the 14 days prior to the close contact; OR
 - 3.9.1.3. Lived in the same household as a person who tested positive for COVID-19, but had no symptoms arise;
- 3.9.2. Prior to the court proceeding (or date of attempting to enter the court facility), the person had tested positive for COVID-19 and exhibited symptoms of the disease, but at least 14 days had not passed since the onset of symptoms OR at least 72 hours had not passed after recovery (the resolution of fever without the use of fever-reducing medications with progressive improvement or resolution of other symptoms) (such recovery being certified by a medical professional).
- 3.9.3. The person is in a period of isolation or quarantine as ordered or advised by a medical professional related to or arising out of a diagnosis of COVID-19 of the person or some other person.
- 3.9.4. At the time of attempted entry of the court facility or within 24 hours of attempted entry, the person (a) experienced or exhibited symptoms of COVID-19 (with or without diagnosis by a medical professional), including but not limited to shortness of breath, persistent cough, fever, or extreme, unusual fatigue, or (b) otherwise “feels” or “felt” sick.
- 3.9.5. At the time of attempted entry of the court facility, the person had a fever of 100.00 or greater as read by a noncontact thermometer.
- 3.9.6. At the time of attempted entry of the court facility, the person was awaiting the results of a COVID-19 test.

- 3.10.** *“In-person court proceeding”* refers to a court proceeding where one or more parties are required by order of a court to appear at a specified time in a specified courtroom in the presence of a judge or referee.
- 3.11.** *“Mask”* refers to a cloth or similar material designed or intended to reduce the transmission of respiratory diseases covering a person’s nostrils and mouth and affixed such that the covering can remain in place without being held in place by a hand. Masks can never obscure or the eyes of the wearer. Masks should never be of such a quality or arranged in such a way as to make speech by a speaking wearer unintelligible.
- 3.12.** *“Municipal courts”* refers to the municipal courts held and operated by the municipalities located in Courtland, Hillsboro, Moulton, North Courtland, and Town Creek, Alabama.
- 3.13.** *“Public Judicial Area”* refers to witness and client interview rooms, the law library, the jury lounge, and public bathrooms adjacent to those areas and to courtrooms, all in the LCJAC.
- 3.14.** *“Private Judicial Area”* refers to Circuit and District Court Judge’s chambers, each judge’s judicial assistant’s offices, each judge’s waiting room, jury rooms, court reporter’s offices, and private workstations and offices of the Circuit Clerk, and court employee breakrooms and bathrooms, all in the LCJAC. All private judicial areas shall not be accessible to members of the general public during Resumption Phases One and Two.
- 3.15.** *“Resumption Phase One”* refers to the period of time between full resumption of in-person court proceedings, commencing June 2, 2020, through the date on which the County Commission effectively amends the LCJAC occupancy limitations to permit courtroom occupancy in accord with the limits set forth in this order.
- 3.16.** *“Resumption Phase Two”* refers to the period of time between the end of Resumption Phase One and July 31, 2020.
- 3.17.** *“Resumption Phase Three”* refers to the period of time between August 1, 2020 and September 14, 2020.
- 3.18.** *“Social distancing protocols”* refers to practices or policies set forth by the Alabama Department of Public Health and the Centers for Disease Control to ensure that persons not living in the same household are separated by six (6) feet at all times when inside a building or any room in a building.

3.19. “*Virtual court proceeding*” refers to a court proceeding that is defined and described in this Court’s “ADMINISTRATIVE ORDER NO. 4 . . .” entered April 7, 2020 (“Admin Order 4”), as a “virtual court hearing.”

4. COURT PROCEEDING SCHEDULING

4.1. No jury trials shall be scheduled by any court until September 14, 2020.

4.2. Because the use of virtual court proceedings remain the best, most-efficient and most easily controlled method for conducting non-jury court proceedings held by courts of this circuit with the greatest possible protection from exposure of Court Officials, court participants and court attendees to COVID-19 and similar respiratory illnesses, and thus offer the best means of protecting the public while still permitting the conducting of essential court functions, all judges and referees of this circuit are strongly encouraged to conduct all court proceedings by use of virtual court proceedings.

4.2.1. Each judge or referee of this judicial circuit shall have the discretion to require that any court proceeding be conducted as a virtual court hearing.

4.2.2. Virtual court proceedings may be scheduled and held in all non-jury cases, including, but not limited to, pendente lite hearings in domestic relations cases; domestic relations trials; contempt hearings; modification hearings; civil motion hearings; protection-from-abuse hearings; child-support hearings; parentage hearings; hearings for injunctive relief; civil non-jury trials; small claims proceedings; traffic dockets; all juvenile case proceedings, including, but not limited to, detention and shelter-care hearings, adjudicatory hearings, disposition hearings, reviews, permanency hearings, aftercare hearings, and termination-of-parental rights hearings; criminal proceedings, including, but not limited to, initial appearance hearings, arraignments, preliminary hearings, hearings on motions to reduce bond, hearings on motions to revoke bond, probation hearings, probation revocation hearings, youthful offender hearings, hearings on habeas corpus petitions, and hearings on petitions for post-conviction relief. The above list is not intended to be an exclusive or exhaustive list.

4.2.3. Virtual court proceedings shall be conducted in accord with the provisions contained in the Appendix A to this Order, or under such similar terms as may be entered by order in the discretion of the judge or referee presiding over such proceedings.

4.3. During Resumption Phase One, the circuit, district, juvenile and probate judges and referees of this circuit in their discretion may schedule and conduct in-person court proceedings, subject however to the requirement that no more than ten (10) court participants and court attendees combined can be present at any one time on the second floor of the LCJAC and no more than fifteen (15) court participants and court attendees combined and combined with all other non-county employees, can be present at any one time on the first floor of the LCJAC.

4.3.1. To facilitate the occupancy limit stated above, the circuit and district court judges will coordinate by scheduling only very limited court proceedings on the same dates and by avoiding scheduling court proceedings conducted at the same time on the second floor of the LCJAC.

4.3.2. The occupancy limits imposed in paragraph 4.3 above do not apply to the municipal courts. During Resumption Phase One, the municipal courts shall be subject to the occupancy limits set forth below

4.4. During Resumption Phases One, Two and Three, the circuit, district, juvenile, municipal court and probate judges and referees of this circuit in their discretion may schedule and conduct in-person court proceedings, subject to the provisions of paragraph 4.3. However, the courts shall not permit any court proceeding to commence or to continue where it is reasonable to expect that social distancing protocols cannot be maintained, whether in the courtroom or the public judicial area or in any part of the court facility used or likely to be used by Court Officials, court participants and court attendees as the result of the conducting of the court proceeding.

4.4.1. For court proceedings in the LCJAC, when a court docket is staggered, a nearby courtroom that is not needed for another court proceeding, the law library, the jury lounge, and the second floor hallway may be used as a waiting area, provided that all individuals within the waiting area strictly observe social distancing protocols and masking requirements. If any of these areas are going to be used as a waiting area, the judge presiding over a court proceeding that wishes to use the waiting areas shall notify courthouse security assigned to his or her courtroom so that when the judge's courtroom has reached its maximum occupancy, any person seeking entry to the courtroom may be escorted or directed to the nearby courtroom that is being used as a waiting area.

4.4.2. As a guideline, for the courtrooms and other rooms in the public judicial area in the LCJAC, the following maximum occupancy limits

apply (keeping in mind that these numbers may be higher depending on the number of court participants and court attendees who share the same household and their seating and placement):

- 4.4.2.1. For the Circuit Courtroom: 24 court participants and court attendees combined.
- 4.4.2.2. For the District Courtroom: 17 court participants and court attendees combined.
- 4.4.2.3. For the Probate Courtroom: 10 court participants and court attendees combined.
- 4.4.2.4. For each witness room, located on the second floor, on the south side of the south hallway outside of the Circuit Courtroom: 3 court participants and court attendees combined.
- 4.4.2.5. For the jury lounge: 6 court participants and court attendees combined.
- 4.4.2.6. For the jury room: 5 court participants and court attendees combined.

4.5. Signs showing the maximum number of people permitted to assemble in a courtroom, court clerk's area or other public or private judicial area at any one time shall be posted in plain view near each area. The court official that may be designated from time to time by the judge presiding over the court proceeding, shall keep a count of each person entering and leaving the courtroom, court clerk's area or other public judicial area. Once the maximum number of people allowed to enter a room or area has been reached, no other person shall be allowed entry except as provided herein. If a courtroom has reached its maximum occupancy, the judge presiding over the court proceeding may consider moving the court proceeding to a larger courtroom, if one is available or using nearby courtrooms as a waiting area.

4.6. If an individual appears seeking entry to a courtroom, court clerk's area or other judicial area that has reached its maximum capacity, the court official that may be designated from time to time by the judge presiding over the court proceeding having responsibility for maintaining proper social distancing protocols in that area, shall inform the person that maximum occupancy has been reached and entry is not allowed until space becomes available. The designated court official shall either: (i) instruct the individual to wait on "stand here" social distancing markers located

adjacent to each courtroom, (ii) instruct the person seeking entry to wait in a vacant courtroom or other designated waiting area, or (iii) if no waiting areas are available, obtain the name and cell phone number of the person and telephone him or her to leave the court facility and to return when space becomes available. If an individual who is called fails to return within 15 minutes from the time the call is placed, that individual forfeits his or her right to immediate entry but may request to be returned to a call waiting list.

5. COURT ENTRY PROCEDURES.

5.1. Every court participant and court attendee entering or attempting to enter a court facility in order to attend a court proceeding must be screened prior to entry by designated court security staff.

5.2. Each judge conducting any in-person court proceedings shall provide twenty-four (24) hour notice (or otherwise reasonable notice as determined by the judge) to the court security staff of the date and time of the court proceeding and shall designate therein, the names of each party ordered to attend, the names of all counsel (if any and if known) involved, the names of all subpoenaed witnesses for such hearing and the names of any court participants that the court anticipates will attend.

5.3. On the date and time of the hearing, the court participants and court attendees shall present themselves to the locked doors of the LCJAC, on the east side, (or such other place in the applicable court facility designated by the presiding municipal court judge in the case of municipal in-person court proceedings) and shall present to the assigned security personnel, sufficient photographic personal identification. The security personnel shall then confirm that such persons are among the anticipated court participants and court attendees. Those persons not properly identified shall not be permitted entrance into the court facility and shall be informed, directly or as the result of conspicuous signage, of a telephone number and email address of a court official for further questions.

5.4. For all properly identified the court participants and court attendees, court security personnel shall determine if such persons have a disqualifying condition or circumstance. The precise procedure employed for each court facility for making this determination shall be determined by the court security personnel, after consult with the judge presiding over the court proceeding. At a minimum, such process shall include direct inquiry by security personnel if any such disqualifying condition or circumstance exists, whether by individual and direct interviewing of each of the court participants and court attendees or by requiring the court participants and

court attendees to complete a form that makes the same inquiries. The form to be used and the questions to be answered is attached as Appendix B. In the case of the LCJAC, the security personnel shall conduct a body temperature check of the person using a non-contact thermometer.

- 5.4.1. If the person being interviewed answers, YES, to any of the questions on the form, then further questions particularly as to symptoms, recovery and related matters shall be asked of the person by security personnel.
- 5.4.2. If after the interview process or based on any other observation by the court security personnel, the person attempting entry has a disqualifying condition or circumstance, the person shall not be permitted entry into the court facility without the expressed approval of the judge or referee presiding over the court proceeding.
 - 5.4.2.1. If the person being denied entry is a court participant, then the judge or referee shall be informed as soon as practical and the person should remain near the facility until a final determination is made by the judge or referee as to the existence of the disqualifying condition or circumstance is in shall be processed through regular security scan and protocol.
 - 5.4.2.2. If entry is not permitted by the judge or referee presiding over the court proceeding, then the court shall, after consultation with all counsel of record and all self-represented parties, determine whether the court proceeding may proceed as scheduled or will need to be continued due to the absence of the person denied entry. The judge or referee presiding over the proceeding may also, after consultation with all parties and counsel of record, permit the disqualified from entry to appear at the court proceeding using videoconference technology as agreed to by the parties or as permitted by law or any administrative order of the Supreme Court of Alabama.

- 5.5. Following all proper identification and qualification as set forth above, the court participants and court attendees shall then be processed through regular security scan and protocol and be personally accompanied by at least one courthouse security person or other designated court official to the courtroom involved (for the circuit court, they shall be escorted through the jury lounge and then to the party entrance on the westernmost door on the south side of the courtroom).

6. **RELEVANT RULES OF CONDUCT DURING IN-PERSON COURT PROCEEDINGS.**
All Court Officials, court participants and court attendees are ordered to abide by the following rules of conduct and procedure:

6.1. Social Distancing Protocols:

- 6.1.1. During all three Resumption Phases, every person shall practice social distancing protocols, whether in the courtroom or any public judicial area.
- 6.1.2. The judge presiding over the court proceeding shall take reasonable steps to ensure compliance with social distancing protocols, including:
 - 6.1.2.1. Arranging the courtroom so that the judge or some designated court official can ensure that all persons in the courtroom may be observed at all times.
 - 6.1.2.2. Issuing particular spacing orders to particular persons.
 - 6.1.2.3. Placing markings or other signage to indicate the proper placing, seating and standing of Court Officials, court participants and court attendees in the courtroom or public judicial areas.

6.2. Masks

- 6.2.1. During Resumption Phases One and Two:
 - 6.2.1.1. All Court Officials, court participants and court attendees shall wear a mask during court proceedings, provided, however, that the judge or referee and any member of his or her court staff may be exempted from wearing a mask if the wearing of the mask interferes with the performance of his or her duties (including the ability to communicate clearly with all persons in attendance of the court proceeding) or if other steps, such as the placement of plastic or glass barriers, makes the transmission of respiratory illnesses by or to such persons unlikely in the judgement of the judge or referee.
 - 6.2.1.2. All court participants and court attendees and all other persons accessing Judicial Public Areas shall wear a mask at all times while they are inside the court facility. This rule does not apply to Court Officials when they are in Private Judicial Areas.
- 6.2.2. During Resumption Phase Three, the wearing of masks by Court Officials, court participants and court attendees is not required by the

terms of this order but may be required of any person by the judge presiding over the court proceedings.

6.2.3. Masks worn inside the court facility shall not contain writing or any image that would be inappropriate for a courtroom setting.

6.2.4. At the sole discretion of the judge presiding over the court proceeding, the requirement of wearing a mask as to any given person may be relaxed for a specific time for a specific purpose. If an individual is wearing a mask during a court proceeding, the court may require that the mask be temporarily removed: (i) for identification purposes, (ii) if the mask substantially interferes with the ability of the judge, parties, lawyers or court reporter to understand the witness, or (iii) if wearing the mask prevents an authorized recording device from accurately recording what is being said by an individual who is speaking.

6.2.5. Any person attempting entry into a court facility who is not disqualified for entry but does not otherwise possess a suitable mask shall be provided a mask for use while at the court facility. Such a mask shall be provided at no cost by the court, county or municipality involved. Such masks shall be returned to court security personnel at the conclusion of the court proceeding on a daily basis, to be disposed and destroyed in accord with guidelines from the Alabama Department of Public Health.

6.3. Court Notices, Summonses, and Subpoenas. All court notices, summonses or subpoenas shall include the date and time of the court proceeding, the name of the judge presiding over the proceeding and the courtroom number. The court notice, summons or subpoena shall also include an instruction for the individual receiving the court notice, summons, or subpoena to bring the document to the court proceeding to show courthouse security when seeking entry to a courtroom and to bring suitable, photographic identification. Individuals having a case set on a court docket may not be permitted entry into a courtroom until the time designated on his or her court notice.

6.4. Trial and Evidentiary Hearing Protocol

6.4.1. Attorneys and self-represented parties are strongly encouraged to place witnesses who will not be needed when a court proceeding begins “on call” so that courtrooms and waiting areas do not exceed the maximum occupancy allowed pursuant to this administrative order. However, to avoid needless delays caused by a witness who has not

yet arrived, each “on call” witnesses should be telephoned sufficiently in advance of his or her testimony so that a witness arrives shortly before his or her testimony is needed. Where feasible, the witness may report first to the office of the attorney who requested the witness to appear and wait at the office until it is time to testify.

- 6.4.2. As promptly as possible, using email and telephone, court participants shall advise the chambers of the court holding the court proceeding or a member of the clerk’s office if they or any other court participant has or develops a disqualifying condition or circumstance. Such information should be forwarded to the judge or referee presiding over the court proceeding who shall then determine if and under what circumstances the court proceeding shall take place, using the same decision process detailed in paragraphs 5.4.2, 5.4.2.1 and 5.4.2.2.
- 6.4.3. Communication between client and attorney. When communication is desired between a party and his or her counsel during a court proceeding, notes may be exchanged. If notes are insufficient to adequately communicate, counsel may request a brief recess to communicate confidentially with his or her client in a nearby private interview room.
- 6.4.4. Exhibits. All exhibits shall be pre-marked before a court proceeding begins. Disposable gloves shall be available in each courtroom for use by all individuals present. An exhibit shown to a witness or offered into evidence shall only be touched by an individual who is wearing disposable gloves and the gloves shall be removed and disposed of according to guidelines adopted by the CDC when no longer needed. Further, an exhibit shall not be handed directly to a judge, witness, party, or to opposing counsel, but shall be placed on a table or other surface for retrieval and examination so that social distancing protocols are observed continuously.
- 6.4.5. Once a court proceeding has concluded, all court participants and court attendees shall promptly vacate the courtroom and Public Judicial Areas so that staff may sanitize the courtroom for the next proceeding. No individual shall loiter about the courtroom or the hallways adjacent to a courtroom or otherwise congregate inside the court facility after the court proceeding has concluded.

7. RULES OF CONDUCT CONCERNING PUBLIC JUDICIAL AREAS.

- 7.1.** The occupancy limits applicable to the Public Judicial Areas during Resumption Phase One and established by order of the County Commission shall be strictly enforced by all court personnel.
- 7.2.** The occupancy limits for the Public Judicial Areas during Resumption Phases Two and Three shall be set as follows (provided that such limits are set by the judge or clerk to provide a reasonable expectation that social distancing protocols may be observed at all times):
- 7.2.1. By the Circuit Court Judge by separate order for the law library, the jury lounge, the circuit courtroom, the witness rooms, the jury room, the break/conference room and the hallways and public restroom areas on the second floor of the LCJAC
- 7.2.2. By the District Court Judge by separate order for the juvenile probation offices and the district courtroom.
- 7.2.3. By the Circuit Court Clerk by separate order for the Public Judicial Areas on the third floor of the LCJAC.
- 7.3.** Persons wishing to enter Public Judicial Areas in the LCJAC for purposes other than attendance of a court proceeding, shall be subject to the screening and disqualification process used for court participants and court attendees described in paragraph 5 and the subparagraphs thereof and shall not be permitted entrance into the court facility if they are determined to have a disqualifying condition or circumstance. Further, such persons shall not be allowed entry in violation of set occupancy limits for the area that they wish to attend. If they wish to wait until their presence will not be in violation of set occupancy limits, then they can give their name and cell phone number to court security personnel, return to their vehicle, and then be called when they can enter without violating occupancy limits.
- 7.4.** Persons permitted entrance to the Public Judicial Areas in the LCJAC for purposes other than attendance of a court proceeding shall wear a mask at all times (during Resumption Phases One and Two) and shall practice social distancing protocols at all times while they are in the LCJAC.
- 7.5.** As soon as the business of the person permitted entrance to the Public Judicial Areas is concluded, such person shall promptly vacate the court facility. No individual shall loiter or otherwise congregate inside the court facility after their court-related business has concluded.

8. CLEANING AND RELATED SANITIZING ISSUES.

8.1. Personal Protective Equipment. All court clerks and judicial employees shall be provided masks and disposable gloves. Masks shall be worn by all court clerks and judicial employees whenever a court clerk or judicial employee has any in-person interaction with the general public and may be worn at any other times. Plexiglass or other clear screens shall be erected at all court clerk payment and filing counters and also in magistrate interview rooms and similar locations to provide a clear barrier between judicial employees and members of the general public or law enforcement officials who are seeking warrants, filing absentee ballots, who are seeking passports or otherwise seeking to avail themselves of any other judicial service requiring in-person contact with a court clerk, magistrate or judicial employee. To the extent practicable, plexiglass or other similar barrier shall be erected around each court clerk's workstation of a sufficient height and width to prevent or inhibit transmission of the COVID-19 virus. Further, each judge may determine whether it is practicable or desirable to erect a plexiglass or other clear screen between a court reporter, the judge or other judicial employee, and other participants in a court proceeding in his or her courtroom.

8.2. Sanitizing Stations. Hand sanitizing stations containing a solution that is at least 60% alcohol shall be set up at the entrance to each courtroom, in the court clerk's area and at various locations within each public judicial area. Signs also shall be posted at conspicuous locations near the courtroom entrance, court clerk's area, and other Public Judicial Areas reminding individuals to wash their hands frequently and encouraging them to use hand sanitizer upon entering a courtroom, court clerk's area, or any other public judicial area.

8.3. Cleaning Requirements.

8.3.1. During Resumption Phases One and Two, frequently touched surfaces including, but not limited to, courtroom benches, tables, doorknobs, light switches, writing instruments used by the general public, seats, witness stands, computer keyboards, countertops at the court clerk's filing and payment window, tables, chairs, and all surfaces frequently touched in courtrooms, the court clerk's area, and other public and private judicial areas shall be sanitized by cleaning staff or court staff at regular intervals throughout the day, depending on use. At a minimum, each courtroom shall be sanitized according to CDC recommendations at the conclusion of each court proceeding and before individuals involved with the next proceeding are allowed entry into the courtroom. All chemicals used to sanitize and disinfect

surfaces must meet standards adopted by the CDC or the Alabama Department of Public Health as adequate to kill infectious agents, including COVID-19.

- 8.3.2. During Resumption Phase Three, the sanitization requirements shall be relaxed such that the minimum sanitization practice need only occur on a daily basis, provided no intervening order of the Alabama Department of Public Health or of the Supreme Court of Alabama requires more frequent cleaning.

8.4. Posting of Public Notices

- 8.4.1. Signs displaying the maximum occupancy for each courtroom shall be posted in a conspicuous place near the entrance to each courtroom. In addition, the following notice (or some notice containing similar language) shall also be posted outside the entrance of each courtroom and at the Circuit Court Clerk's payment and filing counter: "No one who is experiencing symptoms consistent with COVID-19, or who has been advised to self-quarantine by a medical provider or government official shall enter a courtroom, court clerk's area, or any other judicial area. Further, every individual is required to maintain a minimum distance of six feet from all other individuals while in a courtroom, the hallways adjacent to courtrooms, the court clerk's area and in all other judicial areas, except for individuals residing in the same home. Failure to abide by these social distancing requirements may subject a person to being held in contempt of court."
- 8.4.2. Social distancing protocols signs reminding individuals to maintain a distance of at least six feet from others shall also be posted at regular intervals in the hallways adjacent to courtrooms, inside courtrooms, near the court clerk's area and all other Public Judicial Areas. In addition, signs shall be placed near courtrooms and other publicly accessible areas encouraging the public to frequently wash their hands and to use hand sanitizing stations before entering a courtroom, the court clerk's area or any other judicial area.

9. ENFORCEMENT OF THIS ORDER.

- 9.1. Violations of Social Distancing protocols, Masking, court facility entry protocols.** An individual found to have willfully violated any provision of this order, including among others social distancing protocols, masking rules and truthful cooperation requirements in the court screening processes, may be held in contempt of court and punished accordingly. Indirect contempt proceedings shall be initiated by the serving of a show

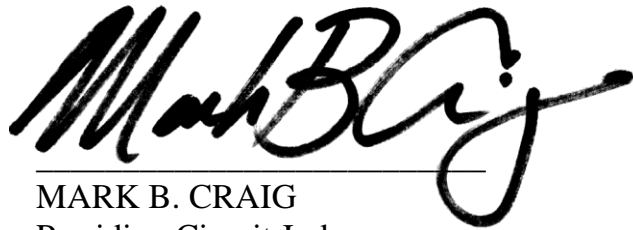
cause order upon the alleged contemnor. All accused of contemptuously violating this order shall be entitled to all due process and constitutional protections afforded all individuals accused of criminal conduct.

- 9.2.** The existence of alleged contemptuous behavior and contempt proceedings related thereto shall not serve as a bar to prosecution by law enforcement for the same conduct if probable cause exists to believe that such conduct violates a Federal or State law or a municipal ordinance.
- 9.3.** All employees of the offices of the circuit court judge, the district court judge, the juvenile court judge, the probate court judge, the circuit court clerk and the municipal courts shall notify their supervising clerk or judge if they have a disqualifying condition or circumstance as defined herein. The supervising clerk or judge shall then promptly notify the presiding judge of this circuit so that appropriate steps may be undertaken to protect the public and Court Officials, court participants and court attendees. All are ordered to protect the privacy of the individuals involved to the greatest extent possible.

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It is ORDERED that the Circuit Clerk shall spread this Order upon the minutes of the Court, provide the Alabama Administrative Office of Courts with a copy of this Order which Office will in turn send a copy to the Alabama State Bar Association, post a copy on the Lawrence County Circuit Court Clerk's official website, otherwise cause a copy of this Order to be specifically filed of record in each matter in which the referenced video or audio conference procedures are employed to conduct any proceedings, and serve a copy of this Order upon the Sheriff of Lawrence County, Alabama, upon the local office of the Alabama Board of Pardons and Paroles, upon the District Attorney of the Thirty-Sixth Judicial Circuit, and upon the Court Referee of this Circuit.

DONE AND ORDERED, this 2nd day of June, 2020,

A handwritten signature in black ink, appearing to read "Mark B. Craig". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke extending to the right.

MARK B. CRAIG
Presiding Circuit Judge
36th Judicial

APPENDIX A

ORDERS CONCERNING

VIRTUAL COURT PROCEEDINGS

(Adapted from provisions of this Court's Administrative
Order No. 4 entered April 7, 2020)

1. DEFINITIONS:

1.1 The term "*video conference*" means the use of any interactive technology that sends and receives video, audio, and data so that two or more individuals can communicate with each other contemporaneously from different locations using cameras, microphones, speakers, cell phones or telephones, and computer monitors or screens that allow the individuals participating to view and hear each other.

1.2 The term "*audio conference*" means the use of any interactive audio technology, including a cell phone or telephone, that permits two or more individuals to contemporaneously speak with each other from different locations.

2. EACH JUDGE OR REFEREE OF THIS JUDICIAL CIRCUIT shall have the discretion to require that any non-jury court proceeding be conducted by video conference or audio conference. Except as otherwise provided by law or separate Supreme Court of Alabama order, every court proceeding conducted by the use of video conference or audio conference shall conform to the requirements of the administrative orders issued by the Supreme Court of Alabama and Supreme Court of Alabama Chief Justice Tom Parker. These proceedings shall hereinafter be referred to as "virtual court proceedings."

3. VIRTUAL COURT PROCEEDINGS MAY BE SCHEDULED and held in all non-jury cases, including, but not limited to, pendente lite hearings in domestic relations cases; domestic relations trials; contempt hearings; modification hearings; civil motion hearings; protection-from-abuse hearings; child-support hearings; parentage hearings; hearings for injunctive relief; civil non-jury trials; small claims proceedings; traffic dockets; all juvenile case proceedings, including, but not limited to, detention and shelter-care hearings, adjudicatory hearings, disposition hearings, reviews, permanency hearings, aftercare hearings, and termination-of-parental rights hearings; criminal proceedings, including, but not limited to, initial appearance hearings, arraignments, preliminary hearings, hearings on motions to reduce bond, hearings on motions to revoke bond, probation hearings, probation revocation hearings, youthful offender hearings, hearings on habeas corpus petitions, and hearings on petitions for post-conviction relief. The above list is not intended to be an exclusive or exhaustive list but is offered merely as examples of the kinds of court proceedings that may be conducted by use of a video conference or an audio conference.

4. ALL VIRTUAL COURT PROCEEDINGS WITH VIDEO CAPABILITIES must be conducted with Zoom software unless the judge or referee presiding over the hearing authorizes the use of a different software or technology that has been deemed trustworthy and reliable for court use. All virtual court proceedings conducted by a referee must be conducted using Zoom software.

5. ALL COUNSEL OF RECORD AND ALL SELF-REPRESENTED LITIGANTS shall be timely notified of the date and time of a scheduled virtual court hearing via Alacourt.com, e-mail, regular mail, or as otherwise allowed by the Alabama Rules of Court or by statute.

6. SUBPOENAS. A subpoena issued for the appearance of a witness at a virtual court hearing shall clearly state the address that the witness will need to appear to offer sworn testimony. Typically, this location will be the law office address of the attorney who requested the subpoena but may be any location designated in the subpoena as permitted by this order. The subpoena also shall inform the witness that he or she has the option of testifying from his or her home or other location of his or her choice, provided the witness has: (i) a computer, smartphone, tablet, or other device with video conference capabilities (camera, microphone and monitor), (ii) free Zoom video conference software or such other video conference software permitted by the trial judge or referee, (iii) an e-mail address and (iv) internet service with sufficient broadband for a video conference. If the virtual court hearing has been designated by the trial judge or referee as an audio virtual court hearing only, video capability is not required. The subpoena also shall instruct the witness that if he or she intends to testify from his or her home, the witness must immediately contact the law office or person requesting his or her appearance to provide an e-mail address and telephone number where the witness can be reached during the scheduled virtual court hearing. It is the responsibility of the person requesting the subpoena to confirm each of his or her witnesses' ability to participate in a video conference or audio conference. If the witness is not able to participate in the virtual court hearing from his or her home or other selected location, the person issuing the subpoena shall decide whether the witness is material and, if so, it is the responsibility of the person issuing the subpoena to make arrangements for the witness to appear at a location having sufficient video conference or audio conference capabilities.

6.1 At least seven days prior to the scheduled virtual court hearing, each party shall provide the court clerk with a list of witnesses who will be called to testify. The list shall include: (i) the name of each witness, (ii) telephone number where the witness can be reached at the time of the virtual court hearing and (iii) the e-mail address of each witness expected to be called as a witness. If the identity of a witness is unknown to a party seven days prior to the virtual court hearing, the identity, telephone number and e-mail address of the witness shall be provided to the court clerk as soon as it is determined the witness may testify.

6.2 If the witness sequestration rule is invoked at a virtual court hearing, all witnesses testifying must be at different physical locations and unable to hear the testimony of other witnesses, except as may be otherwise agreed by the parties on the record. If necessary, witnesses may be telephoned by counsel of record or

by a party and prompted to log onto the video conference or audio conference when it is time for the witness give his or her testimony. A witness may also be placed on hold by the judge or referee at any time that a discussion is needed to be held out of the presence and hearing of a witness.

6.3 Notwithstanding the foregoing, a witness need not appear at a location other than his or her residence if, at the time of the scheduled virtual court hearing, the witness is: (1) running a fever, (2) is in quarantine due to possible exposure to someone testing positive for COVID-19, (3) is over the age of 60 years or has an underlying medical condition that would create a greater risk to the witness if exposed to COVID-19, (4) if sick, or (5) pursuant to the statewide Order of the State Health Officer Suspending Public Gatherings Due to Risk of Infection by COVID-19 Amended April 3, 2020. Further, each subpoena issued for a virtual court hearing shall contain a prominently-displayed notice that “all witnesses are required to have in their possession a government-issued photo ID to establish his or her identity at the virtual court hearing.” Before a witness is administered his or her oath and allowed to testify, the government-issued photo ID shall be shown to the court reporter who is transcribing the proceeding or to the judge or referee presiding over the proceeding, if no court reporter is present.

7. ALL COUNSEL OF RECORD AND ALL SELF-REPRESENTED LITIGANTS are hereby ordered to provide written verification of their e-mail addresses to the court clerk within 10 days from the entry of this order and a telephone number, if not previously provided. The court clerk shall provide a copy of this order to all attorneys of record and to each self-represented party who does not currently have an e-mail and telephone number listed in the case record.

7.1 In the event an attorney wishes to withdraw from a case, the motion to withdraw shall contain a certification that the attorney has notified his or her client of the requested withdrawal, that the client has been informed of all pending hearings or trial dates, including virtual court hearing dates, and that the attorney has notified the client that it is the client’s responsibility to immediately contact the court clerk to provide a current regular mailing address, telephone number, and e-mail address for future court hearings, including virtual court proceedings. If counsel is unable to communicate with his or her client, the attorney shall provide a brief account of attempts made to notify the client of his or her intent to withdraw and of the client's responsibility to provide the court clerk's office with a current mailing address, telephone number, and e-mail address.

8. ALL PERSONS APPEARING FOR A VIRTUAL COURT HEARING at an office or other location shall adhere to the protocols adopted by the Centers for Disease Control to limit the transmission of COVID-19, including maintaining a social distance of at least six feet, to the fullest extent practicable.

9. COMMUNICATION BETWEEN COUNSEL AND SELF-REPRESENTED PARTIES PRIOR TO FILING REQUEST FOR VIRTUAL COURT HEARING. If a party wishes to request that a case be set for a virtual court hearing that has not already been set, counsel for the party making the request shall first confer with counsel of record for all other parties involved (or if a party is a self-represented party, then directly with the self-represented party) and determine whether all parties consent to holding a virtual court hearing pursuant to the requirements mandated in the administrative orders referenced above and this local order. Each party shall thereafter file a notice with the court clerk, giving consent to the virtual court hearing or objecting to the hearing. In the event an objection is made to the virtual court hearing, the party making the objection shall state specifically each and every basis for the objection, and the judge or referee presiding over the case shall make a determination whether the virtual court hearing should be conducted. The provisions of this paragraph nine shall not apply to those types of hearings exempted from the in-person suspension orders of the Supreme Court of Alabama referenced above. Those in-person hearings will be held at the courthouse or such other facility designated in the order setting the matter for hearing unless: (i) all parties to the proceeding waive their right to an in-person court proceeding and agree to a virtual court hearing, or (ii) the judge or referee presiding over the case makes a determination that a virtual court hearing is necessary to safeguard the public health and to the protect the health of those individuals involved in the court proceeding.

9.1 With respect to all civil cases, including small claims cases, and domestic relations cases, a party filing a request to schedule a virtual court hearing shall first certify to the court in writing that he or she has made a good faith attempt to communicate with the opposing attorney and each self-represented party in an effort to resolve the matters in dispute *prior* to filing a request to set for hearing and shall briefly describe the efforts made to communicate with opposing counsel or any self-represented party. This requirement shall not apply to protection-from-abuse proceedings.

9.2 ***Pre-trial Conference.*** Counsel of record and any self-represented party also may request that a pre-trial virtual court hearing or telephone conference call be held with only counsel of record and any self-represented party to discuss the scheduling of discovery, to narrow the issues that may be in dispute, or to discuss other matters that may facilitate a settlement of the case or matter in dispute.

9.3 ***Procedure for Virtual court proceedings.*** The judge or referee assigned a case will schedule a virtual court hearing and notice of the date and time for the proceeding will be provided to all parties by Alacourt.com, by regular mail, and by e-mail, or as otherwise allowed by the Alabama Rules of Court,

statute or administrative order of the Alabama Supreme Court. Counsel shall contact his or her client and arrange for the client and all the client's witnesses to appear at the attorney's office or other designated location AT LEAST 30 minutes before the proceeding is scheduled to commence. A self-represented party shall do likewise with respect to all witnesses he or she expects to call at the virtual court hearing. Counsel for the parties and any self-represented party shall also ensure that all necessary equipment and software are in proper working order prior to the time of the scheduled hearing and that bandwidth is adequate for video conference. Self-represented litigants shall contact the court clerk's office at least seven days prior to the scheduled virtual proceeding, except when the times have been shortened due to the necessity of scheduling an emergency hearing, and notify the court clerk in writing whether he or she has the ability, equipment, software, and bandwidth required to participate in the virtual court hearing and, if so, shall confirm that the court clerk has the e-mail address he or she will use to connect with Zoom or other approved software and a telephone number that the party can be reached during the virtual court hearing, if it should be necessary. If a self-represented litigant notifies the court clerk in writing that he or she does not have the knowledge, equipment, software, or bandwidth necessary to proceed with the virtual court hearing, the judge or referee presiding over the case may hold a telephone conference with all self-represented parties and counsel of record to determine the best way to proceed. The judge or referee and counsel of record and any self-represented party shall explore other possible options for conducting a virtual court hearing, including the use of the local access computer in the Lawrence County law library and any other available local facilities that may be equipped with the appropriate technology for virtual court proceedings. Failure to attend the conference or cooperate in the virtual court hearing may result in contempt proceedings being initiated against the party, attorney, or other person ordered to attend or participate.

9.4 It is the responsibility of the parties, whether represented by counsel or representing themselves, to have all of their material witnesses present at a virtual court hearing. Each witness who appears must have a government-issued photo ID with them at the time of the proceeding or the witness will not be allowed to testify, except by consent of all parties or with another acceptable proof of identification. Shortly before the virtual court hearing is scheduled to begin, counsel of record and any self-represented party shall contact each of their respective witnesses at the telephone numbers provided by them and instructed to be on standby to give their testimony.

9.5 At the time the virtual court proceeding is scheduled to begin, the judge or referee or a member of the judge's staff will connect with all parties and counsel of record using Zoom software or such other software that has been approved. Once it has been determined by the judge or referee that all necessary

individuals are present and able to see and hear what is transpiring at the proceeding, the hearing shall progress as though the parties were physically present, subject to the rules specifically adopted for virtual court proceedings.

9.6 **Virtual court proceedings with Court Reporter.** If a court reporter will be recording the virtual court hearing by videoconferencing, before testimony or other evidence is taken, the judge or referee shall obtain the verbal consent of all the parties and attorneys on the record to have the court reporter record the proceedings to create a record, even though the court reporter may not be physically present in a courtroom as provided in Section 12-17-275, Ala. Code 1975. Once all parties and counsel of record consent, the court reporter shall be present throughout the video conference and able to see and communicate with every witness who appears remotely using Zoom software or such other video conference software that has been approved by the judge or referee presiding over the virtual court hearing. Prior to a witness's testifying, the court reporter shall ascertain the identity of the witness and administer the oath to the witness remotely. At all times during the witness's testimony, the court reporter shall be able to see, hear, and communicate with the witness who is testifying. The court reporter shall record the video conference court hearing just as though the hearing were being conducted with all parties and counsel appearing in person, but if the court reporter is requested to transcribe the record, the court reporter's transcript shall reflect in the transcript that the transcript was made with all individuals appearing remotely with video conferencing, except for any individuals who may have been physically present with the court reporter during the virtual court hearing.

9.7 When the testimony of a witness is needed, the judge or referee or a member of the judge's staff will send an invitation to the witness who is being called to testify by a party or remove the party from Zoom hold. Counsel of record or a self-represented party may contact his or her witness by telephone if the attempt to connect the witness to the video conference is unsuccessful and attempt to determine the cause of the problem and assist with possible solutions. At the conclusion of a witness's testimony, the court shall inquire whether the witness may be excused or released from any subpoena. If a party indicates that further testimony from the witness may be required, the witness will be notified by the court to remain on call at his or her present location pending further instructions from the party who has indicated further testimony may be needed from the witness.

9.8 **Virtual court proceedings in Which No Court Reporter is Present.** In any virtual court hearing in which a court reporter is not present to record the proceeding, the hearing may be recorded in any manner permitted by statute, rule, or administrative order of the Supreme Court of Alabama. Before the virtual court

hearing begins, the judge or referee shall explain to all counsel of record and to the parties the process that will be used to make a record of the hearing and obtain the verbal consent of all parties to the recording method being employed. Further, all witnesses appearing for the virtual court hearing may be administered the oath by the judge or referee presiding over the hearing or as otherwise permitted by statute, rule, or administrative order of the Supreme Court of Alabama and the consent of all parties to this procedure shall also be obtained prior to taking evidence in the virtual court hearing.

9.9 **Recordings Prohibited.** No electronic device or other means may be used by a party, attorney, witness, or any other person to capture images, videos, or sound recordings of any portion of a virtual court hearing without the express written consent of the judge or referee presiding over the court proceeding. Any person violating this rule may be held in contempt of court.

9.10 **Exhibits.** No later than seven days before a scheduled virtual court hearing (emergency hearings excepted), counsel for the parties and any self-represented litigants shall confer with one another regarding the use of exhibits at the virtual court hearing. Consistent with the duty of client representation, counsel and any self-represented litigant shall discuss potential exhibits that may be introduced at the virtual court hearing and stipulate as to the authenticity and admissibility of any proposed exhibit, to the extent they are willing to do so. No authentication or other foundation will need to be established at the virtual court hearing for any exhibit the parties have agreed may be allowed into evidence by their stipulation.

9.11 **Exhibits Capable of Being Displayed in an Electronic Format.** Each party shall cause an exact copy to be made of all photographs, videos, and documents intended to be shown to a witness or offered into evidence at a virtual court hearing. The original and each copy of the original shall be pre-marked with the same number, with the first exhibit being denominated as exhibit number one and each original and copy thereafter numbered sequentially. Each marked exhibit shall also clearly identify the party who will be offering the exhibit. All originals shall be retained by the proffering party and copies of the exhibits (hereinafter referred to as “court copies”), shall be placed in either a sealed envelope or sealed box and mailed or delivered to the court reporter who will transcribe the virtual court hearing. The court reporter shall keep the court copies in a secure location and shall not open them until the beginning of the virtual court hearing. Once the virtual court hearing has begun, the court reporter shall unseal the court copies for the judge or referee to view during the course of the hearing. If a court reporter will not be present at the virtual court hearing to record the proceeding, all court copies shall be delivered to the judge or referee presiding over the hearing, who will open the court copies and keep them secure.

9.12 **Physical Exhibits Not Capable of Being Reduced to Electronically-Stored Format and Exhibits Used in Rebuttal.** Notwithstanding the foregoing, any exhibit that is not capable of being reduced to an electronically-stored format need not be delivered to the court reporter or judge or referee prior to the commencement of the virtual court hearing. Examples of such exhibits include physical objects such as weapons, equipment, clothing, bullets, etc. These exhibits may, if properly authenticated and otherwise admissible, be allowed into evidence at the virtual court hearing as permitted by the Alabama Rules of Evidence. The court may also allow exhibits offered in rebuttal to be introduced at the virtual court hearing even though the exhibits have not been provided to the court in advance of the hearing. Any physical or rebuttal exhibit offered by a party shall first be appropriately marked and shown to opposing counsel and to any self-represented party before it is offered into evidence. Prior to a virtual court hearing's concluding for the day, each party shall place all of their exhibits that have been admitted into evidence or disallowed by the court that day into a large manila envelope(s) or box and the envelope(s) or box sealed in view of the judge or referee, court reporter, if present, and all other parties. Each exhibit envelope or box shall be accompanied by a certification from the offering party that the exhibits have not been altered or changed in any way once placed in the envelope or box and sealed in the presence of the court and other parties. The admitted and excluded exhibits shall be delivered with the seal unbroken to the court reporter recording the virtual court hearing as soon as possible after the hearing recesses each day. If no court reporter is present to record the proceeding, then the exhibits shall be delivered with seal unbroken to the judge or referee presiding over the virtual court hearing at the end of each day's proceeding.

9.13 **Procedure for Presenting Electronically-Stored Exhibits at Virtual Court Hearing.** Parties wishing to offer a document, photo, or video as an exhibit at the virtual court hearing shall cause a true and exact copy of the document, photo, or video to be created and stored electronically on the computer or other device that will be used at the virtual court hearing. Before an authenticating witness is brought into a virtual court hearing or while the witness has been placed on Zoom hold, the party seeking the admission of the exhibit into evidence shall use the share feature available on Zoom (or such other software being used with permission of the court) to show the marked exhibit to opposing counsel and any self-represented litigant. Once the exhibit has been shown to opposing counsel and any self-represented litigant, the authenticating witness may be removed from Zoom hold and returned to the virtual court hearing.

9.14 **Retention of Exhibits at Conclusion of the Virtual Court Hearing.** All exhibits admitted into evidence during the virtual court hearing and all exhibits that have been offered into evidence by a party and not admitted into evidence shall be retained by the court reporter in a secure location for the same period of

time prescribed for in-court proceedings. If no court reporter is present to record the proceeding, the judge or referee presiding over the virtual court hearing will retain the exhibits as provided by law.

9.15 ***Attire.*** Appropriate courtroom attire, whether in a traditional courtroom or a virtual one, helps preserve the dignity of the occasion and promotes public trust and confidence in the court proceeding. Therefore, judges, referees, attorneys, parties, and witnesses should dress for virtual court proceedings just as they would dress if they were appearing in a traditional courtroom. The judge or referee presiding over a virtual court hearing will determine the specific dress code for his or her court.

10. JUVENILE AND YOUTHFUL OFFENDER PROCEEDINGS. Virtual court proceedings in juvenile and youthful offender cases shall proceed in a manner consistent with the procedures described in the above paragraphs, subject to the additional safeguards provided herein. The judge or referee presiding over the case shall initiate the virtual court hearing using additional privacy measures provided by Zoom to make the virtual court hearing private, including the use of PIN numbers that are only available to necessary participants. However, despite all reasonable efforts to ensure that privacy and confidentiality are preserved with encryption, it is widely understood that no software can possibly be deemed perfectly secure from a breach and that, if a breach were to occur, a computer hacker could eavesdrop on a video conference or otherwise gain access to a virtual court hearing. Therefore, as an additional precaution, it is ordered that in all juvenile and youthful offender proceedings conducted with video conference, only the initials of the youthful offender or juvenile shall be used and no one at the hearing shall disclose any information that could identify the juvenile or youthful offender, except to the extent that may be reasonably necessary given the nature of the case. Further, prior to the commencement of each juvenile or youthful offender virtual court hearing, the court shall inform all lawyers, parties, guardians ad litem, witnesses and other participants at the hearing of this rule.

10.1 Further, with respect to juvenile proceedings in which a child is not physically present with his or her attorney at the time of the virtual court hearing, the child shall be afforded an opportunity at any time during the virtual court hearing to communicate privately with his or her attorney either in person or by use of a phone or video software that ensures confidentiality of the communication and the child shall be informed by the court of this right before the virtual court hearing commences. Virtual court 72-hour detention hearings, or pleas taken at these hearings in juvenile delinquency cases, must meet the legal requirements set out by Order of the Supreme Court of Alabama dated June 22, 2006 (and extended by Orders dated June 3, 2008, April 19, 2011, September 17, 2014, and April 17, 2017), the Court's Guidelines for Videoconferencing Detention Hearings

(Temporary), and the Alabama Judicial System Policies, Procedures and Guidelines Governing Videoconferencing Appearances in Juvenile Courts which was approved by memorandum dated September 4, 2009.

11. CRIMINAL PROCEEDINGS GENERALLY. Virtual court proceedings in criminal cases shall proceed in a manner consistent with the procedures described in the above paragraphs, subject to the additional safeguards provided herein when a defendant is not physically present in the same room with his or her attorney during a virtual court hearing. A defendant in any criminal case may waive his or her right to be present at a virtual court hearing. However, if a defendant is incarcerated in the Lawrence County Jail, Tennessee Valley Detention or other detention facility and does not waive his or her right to be present, the defendant shall be brought into the detention center's on-site video conferencing room before the hearing begins and shall be connected to the virtual court hearing so that he or she is capable of hearing and seeing everything that transpires during the virtual court proceeding. Further, the defendant shall be afforded an opportunity at any time during the virtual court hearing to communicate privately with his or her attorney either in person or by use of a phone or video software that ensures confidentiality of the communication and the defendant shall be informed by the court of this right before the virtual court hearing commences.

12. PROCEDURE IN CRIMINAL CASES FOR GUILTY PLEA HEARINGS. If the State and the defendant reach a plea agreement, the agreement shall be reduced to writing and signed by all parties and counsel of record. The attorney for the defendant shall submit the signed agreement to the judge assigned to hear the case, along with all other properly-executed forms required for the court to accept the defendant's guilty plea. Once it has been determined that all necessary paperwork has been submitted, the judge will schedule a virtual court hearing date and time and notice provided to all parties.

13. FOR DEFENDANTS ON BOND AT TIME OF PLEA. If a defendant is not incarcerated, the attorney for the defendant shall contact his or her client and arrange for the client to appear at his or her attorney's office AT LEAST 30 minutes before the scheduled time for the hearing. The attorney for the defendant shall verify that all necessary equipment and software are in proper working order prior to the time of the scheduled court hearing. Either the judge taking the guilty plea or a member of the judge's staff will connect with the defendant, the defendant's attorney, and the District Attorney's Office (unless the District Attorney waives his or her right to be present) using Zoom software or other approved software. Once it has been determined by the judge that all necessary individuals are present and able to see and hear what is transpiring at the plea hearing, the judge shall proceed to take the defendant's plea after first determining that the defendant consents to enter the plea by video conference, that the plea is

freely, intelligently, and voluntarily made and all other requirements for entry of the guilty plea have been satisfied. Where applicable, a court reporter shall be present throughout the video conference proceeding and able at all times to see and hear the defendant who is entering a guilty plea and shall transcribe the hearing just as though the hearing were conducted with all parties and counsel appearing in person. It shall be the responsibility of the prosecuting attorney to contact any victim that may require notification of the plea hearing and arrange for the victim to appear at the District Attorney's office for the virtual court hearing or in such other location approved by the judge accepting the guilty plea.

13.1 If a plea agreement calls for a defendant to serve a jail or prison sentence, the Sheriff shall be informed in advance of the date, time, and physical location of the defendant at the time the plea is entered so that a deputy will be on hand to take the defendant into immediate custody. If the plea agreement calls for probation or an application for probation has been made, the defendant shall immediately report to his or her probation officer.

14. FOR INCARCERATED DEFENDANTS. The general procedure outlined above for taking guilty pleas by video conferencing shall apply when a defendant is incarcerated in Lawrence County Jail or Tennessee Valley Detention at the time of his or her guilty plea. The jail or detention center shall utilize Zoom software at its on-site audio/video room, which the court hereby designates as a temporary courtroom, so that pleas can be taken without the defendant's being transported to the courthouse. Other videoconferencing software also may be used at the discretion of the judge accepting the guilty plea. The attorney for the defendant may appear with the defendant at the jail or detention center or may appear from another location, provided that the defendant's right to communicate privately with his or her attorney is preserved. Each defendant entering a guilty plea shall be afforded an opportunity at any time during the plea to communicate privately with his or her attorney either in person or by use of a phone or video software that ensures confidentiality of the communication.

15. PUBLIC ACCESS TO SOME CRIMINAL PROCEEDINGS. Because Alabama law recognizes the existence of a general First Amendment right of the public to have access to some criminal hearings, it is hereby ordered that any person may make a request for access to a criminal virtual court hearing that relates to matters that have traditionally been open to the public. The individual making the request shall be given permission to enter any virtual court hearing held in this circuit as a spectator only, unless the defendant or the State asks that the hearing be closed and "advances an overriding interest that is likely to be prejudiced" if the hearing is made open to the public. *Press-Enterprise Co. v. Superior Court of California for Riverside County*, 478 U.S. 1 at 7, 106 S. Ct.

2735 at 2739, 92 L. Ed. 21 (1986). *Ex parte Birmingham News Co.*, 624 So. 2d 1117, 1124–25 (Ala. Crim. App. 1993).

15.1 An individual may request access to a criminal virtual court hearing by filing a written request with the court clerk. The individual making the request shall provide the court clerk with the defendant’s name, the case number, if known, as well as the requester’s e-mail address. Notice of the request shall be provided to the prosecutor and the defendant and, if no objection is filed within 14 days of the notice, the requester will receive an invitation to attend any virtual court hearing held in the case that involves matters that have traditionally been open to the public. If an objection is made by a party within the time provided, the court shall schedule a hearing to determine whether the request for access should be denied and the hearing closed to the public. The court also finds that there is a compelling reason to implement this special access rule due to the community safety threat posed by COVID-19 and finds that any burden placed on an individual by these procedures is substantially outweighed by the need to protect the public from further spread of COVID-19.

15.2 **Access in Civil Cases.** Any person making a request to gain access to a virtual court hearing in a civil case may also use the same procedures described in the above paragraphs. After notice to all parties and an opportunity to be heard, the court will determine whether access to the civil virtual court proceeding should be permitted under existing laws.

16. AUDIO, VIDEO OR OTHER TECHNICAL PROBLEMS. If the judge or referee presiding over a virtual court proceeding determines at any time that the audio or video connection is so poor as to interfere with the fair administration of justice, the hearing shall be postponed until such time as a better connection can be obtained or the matter can be set for an in-person court proceeding. However, it shall be the responsibility of a party or counsel for a party to *promptly* inform the court if there has been a disruption at their end of the communication that substantially interferes with his or her ability to see or hear what is occurring during the video conference. An objection to the quality of an audio conference or a video conference *must* be made to the court on the record before the virtual court hearing has concluded. Any objection to the quality of the audio conference or video conference made thereafter, will be deemed untimely.

APPENDIX B

QUESTIONNAIRE FORM FOR PERSONS ATTEMPTING ENTRY INTO COURT FACILITY

COURT FACILITY ENTRANCE COVID-19 QUESTIONNAIRE

In order to enter this court facility, you are ordered by the presiding judge of this circuit to answer each of the following questions (and any follow-up questions put to you by court staff) truthfully (your answers will be kept strictly confidential):

CHECK YES or NO to each of the following questions?		YES	NO
1.	At any time during the last 14 days, have you had a confirmed positive test for COVID-19?		
2.	At any time in the last 14 days, have you lived in the same home with a person who tested positive for COVID-19 or had close contact (that is, for at least 15 minutes was within 6 feet or closer) with a person who tested positive for COVID-19?		
3.	Are you currently in a period of isolation or quarantine as ordered or advised by a medical professional related to or arising out of a diagnosis of COVID-19 of you or someone else?		
4.	Have you ever been told by a medical professional that you have had or do have COVID-19 and it has been less than 72 hours since you recovered from the disease (meaning, you had no fever without the help of fever-reducing medicines, you had no shortness of breath and you had no persistent cough)?		
5.	Within the last 24 hours, have you felt sick in any way?		
6.	Have you been tested for the presence of COVID-19 but have not yet received the results?		

I answered each of the above questions and all follow-up questions truthfully according to the best of my knowledge and belief.

DATE: _____

Signature

PRINTED NAME: _____

NAME of interviewer:
